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Group Art Unit: 1635

Docket No. GP091-02.UT

junction;

- b) contacting under nucleic acid amplification conditions:

the first single-stranded fusion nucleic acid,
a first primer [capable of hybridizing] which hybridizes to the fusion nucleic acid at
a first primer binding site located 3' to the splice junction site, and
at least one nucleic acid polymerase activity;

c) amplifying the fusion nucleic acid in [a] an isothermal nucleic acid amplification reaction using the
first primer to produce a plurality of second nucleic acid strands complementary to at least a portion of the
first single-stranded fusion nucleic acid that contains the splice junction site, wherein each second nucleic
acid strand comprises:

a complementary splice junction site,
a first probe binding site located 3' to and not overlapping the complementary
splice junction site, and
a second probe binding site located 5' to and not overlapping the complementary
splice junction site, wherein the second probe binding site overlaps or is located 3' to
sequence complementary to the first primer binding site;

d) hybridizing the second nucleic acid strands with an oligonucleotide probe under hybridization
conditions [that permit hybridization off] in which the probe hybridizes to the first or the second probe
binding site, thereby forming a probe:target hybrid; and

e) detecting the probe:target hybrid as an indication of the presence of the fusion nucleic acid in the
sample.

2. (Amended) The method of Claim 1, wherein the first single-stranded fusion nucleic acid is an mRNA,
the first primer is a promoter-primer, the polymerase activity comprises an RNA polymerase activity, and
the oligonucleotide probe is of the same sense as the mRNA and [is capable of binding] binds to the first
probe binding site.

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3. (Amended) The method of Claim 1, wherein the first single-stranded fusion nucleic acid is a mRNA, wherein the second nucleic acid strands are complementary RNA, and further comprising contacting the second nucleic acid strand with a second primer or promoter-primer [capable of hybridizing] which hybridizes to a second primer binding site located 3' to both the complementary splice junction and the first probe binding site, and wherein the amplifying step uses an RNA polymerase [activity] activity, a DNA-directed DNA polymerase activity and an RNA-directed DNA polymerase activity.

4. (Amended) The method of Claim 1, wherein the oligonucleotide probe [is capable of binding] binds to the second probe binding site and [incapable of forming] does not form a stable hybridization complex with the first single-stranded fusion nucleic acid.

5. (Amended) The method of Claim 1, wherein the fusion nucleic acid is a *bcr-abl* fusion mRNA and wherein the oligonucleotide probe [is capable of binding] binds to a *bcr*-derived nucleotide base sequence in the second nucleic acid strands.

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6. (Amended) The method of Claim 1, wherein step a) further comprises preparing the sample containing the fusion nucleic acid by:

contacting a biological sample comprising the fusion nucleic acid with a solution comprising:

a buffer,

about 150 mM to about 1 M of a soluble salt,

about 0.5% to about 1.5% (v/v) of a non-ionic detergent, and

a solid support to which is joined an immobilized oligonucleotide comprising a nucleotide base sequence [capable of forming] which forms, directly or indirectly, a stable hybridization complex with an RNA under conditions permitting the formation of the stable hybridization complex; and

separating the hybridization complex joined to the solid support from unhybridized

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SUB 12
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sample components

9. (Amended) A method of detecting a fusion mRNA transcript produced as a result of a chromosomal translocation, comprising:

- SUB 13
- a) providing a sample containing a fusion mRNA transcript comprising a splice junction;
 - b) contacting under isothermal nucleic acid amplification conditions:

the fusion mRNA transcript,

a first primer [capable of hybridizing] which hybridizes to the fusion mRNA transcript at a first primer binding site derived from a first chromosomal region and located 3' to the splice junction site, and

at least one enzyme having nucleic acid polymerase activity;

c) amplifying the fusion mRNA transcript in a nucleic acid amplification reaction that uses the first primer to produce a plurality of second nucleic acid strands complementary to at least a portion of the fusion mRNA transcript containing the splice junction site, wherein each second nucleic acid strand comprises:

a complementary splice junction site,

a first probe binding site located 3' to and not overlapping the complementary splice junction site, wherein the first probe binding site is derived from a second chromosomal region, and

a second probe binding site located 5' to and not overlapping the complementary splice junction site, wherein the second probe binding site is derived from a third chromosomal region and overlaps or is located 3' to sequence complementary to the first primer binding site;

d) hybridizing the second nucleic acid strands with an oligonucleotide probe [capable of hybridizing] which hybridizes to the second nucleic acid strands at the first or the second probe binding site but [incapable of hybridizing] does not hybridize to the fusion transcript, thereby forming a hybridization

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SUB 13
complex of the probe and the second nucleic acid strand; and

e) detecting the hybridization complex as an indication of the presence of the fusion transcript in the sample.

SUB 10
10. (Amended) The method of Claim 9, wherein the amplifying step uses only a first primer that is a promoter primer and the enzyme has an RNA polymerase activity, and wherein the hybridizing step uses an oligonucleotide probe [capable of hybridizing] which hybridizes to the second nucleic acid at the first probe binding site.

SUB 16
16. (Amended) The method of Claim 9, wherein the amplifying step uses an RNA polymerase activity, a DNA-directed DNA polymerase activity, and an RNA-directed DNA polymerase activity, and further uses a second primer or promoter primer [capable of hybridizing] which hybridizes under amplification conditions to a nucleotide sequence of a complementary RNA produced during the amplifying step.

SUB 18
18. (Amended) The method of Claim 9, further comprising the steps of amplifying an internal control transcript in the sample by using the first primer and then hybridizing a second oligonucleotide probe [capable of hybridizing] which hybridizes to the complement of the internal control transcript but [incapable of hybridizing] does not hybridize to the complement of the fusion mRNA transcript thereby forming an internal control hybridization complex, and detecting the presence of the internal control hybridization complex in the sample, thereby providing an internal standard.

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SUB 19
19. (Amended) A method of preparing a sample containing RNA suitable for amplification, comprising the steps of:

- a) providing a biological sample comprising unpurified RNA;
- b) mixing the biological sample with a solution comprising:
a buffer at a pH of about 6.5 to about 8.5,